

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

PUBLIC WORKS CONSTRUCTORS, LLC, a  
Delaware limited liability company; and WEISS  
CONSTRUCTION CO., LLC, a Michigan  
limited liability company;

Plaintiffs,

vs.

SOUTHERN SPECIALTY WELDING, LLC,  
an Alabama limited liability company;

Defendant.

**8:20CV3055**

**SHOW CAUSE ORDER**

On December 20, 2021, Plaintiff/Counter Defendants Public Works Constructors, LLC and Weiss Construction Co., LLC (collectively, “Plaintiffs”), along with Third-Party Defendant Liberty Mutual Insurance Company (“Liberty Mutual”), filed a Motion to Dismiss Defendant Southern Specialty Welding, LLC’s (“Southern Specialty”) Counterclaim and Third-Party Complaint. ([Filing No. 51](#).) The movants contend dismissal is appropriate because Southern Specialty has failed to prosecute its claims and has not had substitute counsel enter a written appearance as previously ordered by the Court. ([Filing No. 46](#).) As of today’s date, Southern Specialty has not responded to the Motion to Dismiss, nor has counsel entered an appearance on its behalf.

Accordingly,

**IT IS ORDERED:**

1. By February 1, 2022, Southern Specialty shall show cause by written affidavit as to why its claims against Plaintiffs and Liberty Mutual should not be dismissed for failure to prosecute and for failure to obtain substitute counsel as ordered by this Court on November 2, 2021. Failure to comply with this Order will result in the granting of the Motion to Dismiss ([Filing No. 51](#)) and dismissal of Southern Specialty's claims without further notice.

Dated this 18<sup>th</sup> day of January, 2022.

BY THE COURT:

s/ Susan M. Bazis  
United States Magistrate Judge